

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1241
FINAL READING

Introduced by Vrtiska, 1; Burling, 33; Combs, 32; Hartnett, 45;
Kremer, 34

Read first time January 21, 2004

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to claims against the state; to appropriate
2 funds for the payment of certain claims; to provide for
3 payment of the claims; to authorize certain write-offs as
4 prescribed; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. There are hereby appropriated the following
 2 sums of money, or so much thereof as may be required, from the
 3 General Fund or from other funds as indicated in the state
 4 treasury, not otherwise appropriated, for the payment of claims
 5 arising out of miscellaneous items of indebtedness owing by the
 6 State of Nebraska.

7 2003-2004 MISCELLANEOUS CLAIMS

8 DESCRIPTION	DOLLARS
9 Claim No. 03-372, against the Office of the Attorney	
10 General, pay to <u>John Freudenberg</u> , Box 490,	
11 Rushville, NE 69360, out of the General Fund.	707.00
12 Claim No. 03-390, against the Office of the Attorney	
13 General, pay to <u>John Freudenberg</u> , Box 490,	
14 Rushville, NE 69360, out of the General Fund.	224.00
15 Claim No. 03-582, against the Office of the Attorney	
16 General, pay to <u>John Freudenberg</u> , Box 490,	
17 Rushville, NE 69360, out of the General Fund.	686.00
18 Claim No. 03-758, against the Office of the Attorney	
19 General, pay to <u>John Freudenberg</u> , Box 490,	
20 Rushville, NE 69360, out of the General Fund.	350.00
21 Claim No. 03-807, against the Office of the Attorney	
22 General, pay to <u>John Freudenberg</u> , Box 490,	
23 Rushville, NE 69360, out of the General Fund.	1,029.00
24 Claim No. 03-861, against the Office of the Attorney	
25 General, pay to <u>John Freudenberg</u> , Box 490,	
26 Rushville, NE 69360, out of the General Fund.	1,274.00
27 Claim No. 03-884, against the Office of the Attorney	
28 General, pay to <u>Thomas Donner</u> ,	

	LB 1241	LB 1241
1	137 S. Main Street, Suite 2,	
2	West Point, NE 68788, out of the General Fund.	162.00
3	Claim No. 03-885, against the Office of the Attorney	
4	General, pay to <u>Thomas Donner</u> ,	
5	137 S. Main Street, Suite 2,	
6	West Point, NE 68788, out of the General Fund.	72.00
7	Claim No. 03-886, against the Office of the Attorney	
8	General, pay to <u>Thomas Donner</u> ,	
9	137 S. Main Street, Suite 2,	
10	West Point, NE 68788, out of the General Fund.	81.00
11	Claim No. 03-887, against the Office of the Attorney	
12	General, pay to <u>Thomas Donner</u> ,	
13	137 S. Main Street, Suite 2,	
14	West Point, NE 68788, out of the General Fund.	171.50
15	Claim No. 03-909, against the Office of the Attorney	
16	General, pay to <u>Melodie Bellamy</u> , 15 Meadow Lane,	
17	Kearney, NE 68845, out of the General Fund.	2,575.00
18	Claim No. 04-133, against the Office of the Attorney	
19	General, pay to <u>John Freudenberg</u> , Box 490,	
20	Rushville, NE 69360, out of the General Fund.	448.00
21	The claims included in this section shall be paid through	
22	Program 536 in Agency 65.	
23	For informational purposes only, the appropriations	
24	contained in this section and fund source:	
25	GENERAL FUND	7,779.50
26	TOTAL	7,779.50
27	Sec. 2. The following sums of money, or so much thereof	
28	as may be required, are hereby appropriated from the General Fund	

LB 1241

LB 1241

1 or from other funds as indicated in the state treasury, not
2 otherwise appropriated, for the payment of tort claims which have
3 been settled by the Attorney General in the district court or in
4 which court judgments have been entered and which require the
5 approval of the Legislature for payment.

6 DESCRIPTION

DOLLARS

7 Tort Claim No. 95-555, against the Department of
8 Health and Human Services, pay to Brian Kennedy and
9 Richard Fellman, Attorney, 209 South 19th Street,
10 Omaha, NE 68102, out of the General Fund. 112,764.39

11 Tort Claim No. 00-065, against the Department of
12 Roads, pay to Melvin Cerny and Sherrets & Boecker,
13 260 Regency Parkway Drive, Suite 200, Omaha, NE
14 68114, out of the Roads Operations Cash Fund. 1,725,873.30

15 Tort Claim No. 01-663 and Tort Claim No. 01-770,
16 against the Department of Roads, pay to Joseph S.
17 Daly and St. Paul Fire and Marine Company, 10404
18 Essex Court, Suite 100, Omaha, NE 68114, out of the
19 Roads Operations Cash Fund. 200,000.00

20 Tort Claim No. 02-902, against the Department of
21 Roads, pay to Philip Bader, Personal Representative
22 for the Estate of Eric Bader, and Cindy Bader,
23 parent, and James Martin Davis, Attorney, 1623
24 Farnam St. #500, Omaha, NE 68102, out of the Roads
25 Operations Cash Fund. 74,460.00

26 Tort Claim No. 03-054, against the Department of
27 Roads, pay to Tim and Lori Moravec, Individually and
28 as parents of Adrian Moravec, a minor, and Lori

LB 1241

LB 1241

1	<u>Moravec, Conservator of Adrian Moravec, and Terry</u>	
2	<u>Dougherty and Bruce Smith, Attorneys, 301 S. 13th</u>	
3	<u>St. #500, Lincoln, NE 68508, out of the Roads</u>	
4	<u>Operations Cash Fund.</u>	87,000.00
5	Tort Claim No. 03-062, against the Department of	
6	Roads, pay to <u>Donna Eiting, duly appointed</u>	
7	<u>conservator of Paul Eiting, and Donna and Doug</u>	
8	<u>Eiting, for themselves and as parents of Paul</u>	
9	<u>Eiting, a minor, and Terry Dougherty and Bruce</u>	
10	<u>Smith, Attorneys, 301 S. 13th St. #500, Lincoln, NE</u>	
11	<u>68508, out of the Roads Operations Cash Fund.</u>	3,800.00
12	Tort Claim No. 03-063, against the Department of	
13	Roads, pay to <u>Donna Eiting and Doug Eiting, her</u>	
14	<u>spouse, and Terry Dougherty and Bruce Smith,</u>	
15	<u>Attorneys, 301 S. 13th St. #500, Lincoln, NE 68508,</u>	
16	<u>out of the Roads Operations Cash Fund.</u>	116,600.00
17	Tort Claim No. 03-106, against the Department of	
18	Roads, pay to <u>Dawn Prescott and her spouse, Steve</u>	
19	<u>Prescott, and Terry Dougherty and Bruce Smith,</u>	
20	<u>Attorneys, 301 S. 13th St. #500, Lincoln, NE 68508,</u>	
21	<u>out of the Roads Operations Cash Fund.</u>	158,000.00
22	Tort Claim No. 03-107, against the Department of	
23	Roads, pay to <u>Dawn and Steve Prescott, Personal</u>	
24	<u>Representative for the Estate of Benjamin Prescott,</u>	
25	<u>and Terry Dougherty and Bruce Smith, Attorneys, 301</u>	
26	<u>S. 13th St. #500, Lincoln, NE 68508, out of the</u>	
27	<u>Roads</u>	
28	<u>Operations Cash Fund.</u>	38,000.00

LB 1241

LB 1241

1 Tort Claim No. 03-269, against the Department of
2 Roads, pay to Scott Dinslage, for himself and for
3 his parent, Debra Dinslage, and Gary Nedved,
4 Attorney, 530 S. 13th St. #100, Lincoln, NE
5 68508-2795,
6 out of the Roads Operations Cash Fund. 77,000.00

7 Tort Claim No. 03-273, against the Department of
8 Roads, pay to Thomas Rief and Brenda Rief,
9 individually as Husband and Wife, and as
10 Conservators and Natural Guardians of Tait Rief, and
11 Nicholas Lamme and Dave Mitchell, Attorneys, West
12 Court Building, 81 West 5th Street, Fremont, NE
13 68025, out of the Roads Operations Cash Fund. 2,073,000.00

14 Tort Claim No. 03-274, against the Department of
15 Roads, pay to Lucas Rief, Brenda Rief, and Tom Rief
16 and Nicholas Lamme and Dave Mitchell, Attorneys,
17 West Court Building, 81 West 5th Street, Fremont, NE
18 68025, out of the Roads Operations Cash Fund. 50,000.00

19 Tort Claim No. 03-275, against the Department of
20 Roads, pay to Brenda Rief and Nicholas Lamme and
21 Dave Mitchell, Attorneys, West Court Building, 81
22 West 5th Street, Fremont, NE 68025, out of the Roads
23 Operations Cash Fund. 100,000.00

24 Tort Claim No. 03-285, against the Department of
25 Roads, pay to Carolyn Allen-Kortmeyer, individually
26 and as parent of Sarah Allen, a minor, and as
27 conservator for the minor with Alan Kortmeyer,
28 co-conservator, and Terry Dougherty and Bruce Smith,

LB 1241

LB 1241

1 Attorneys, 301 S. 13th St. #500, Lincoln, NE 68508,
2 out of the Roads Operations Cash Fund. 19,600.00
3 Tort Claim No. 03-286, against the Department of
4 Roads, pay to Laura Matulka, Natural Guardian for
5 Paul E. Matulka, and James Martin Davis, Attorney,
6 1623 Farnam St. #500, Omaha, NE 68102, out of the
7 Roads Operations Cash Fund. 7,400.00
8 Tort Claim No. 03-913, against the Department of
9 Roads, pay to Cindy Koch, Conservator of Lacey Koch,
10 a minor, and Cindy and Dave Koch, parents of Lacey
11 Koch, and Robert Moodie, Attorney, 633 S. 9th St.
12 #300, P.O. Box 82009, Lincoln, NE 68501-2009, out of
13 the Roads Operations Cash Fund. 2,960.00
14 Tort Claim No. 03-914, against the Department of
15 Roads, pay to Jeston Koch and his parents, Cindy and
16 Dave Koch, and Robert Moodie, Attorney, 633 S. 9th
17 St. #300, P.O. Box 82009, Lincoln, NE 68501-2009,
18 out of the Roads Operations Cash Fund. 41,000.00
19 Tort Claim No. 04-074, against the Department of
20 Roads, pay to Clark Koehler, Personal Representative
21 for the Estate of Ian Koehler, and Clark Koehler and
22 Allegra Koehler, Individually, and Larry Brauer,
23 Attorney, 510 Seward St., Seward, NE 68434-0411, out
24 of the Roads Operations Cash Fund. 54,000.00
25 Tort Claim No. 04-075, against the Department of
26 Roads, pay to Jonathan Kohlmeier, Personal
27 Representative for the Estate of Tracey Kohlmeier,
28 and Larry Brauer, Attorney, 510 Seward St., Seward,

LB 1241

LB 1241

1	NE 68434-0411, out of the Roads Operations Cash	
2	Fund.	118,000.00
3	Tort Claim No. 04-077, against the Department of	
4	Roads, pay to <u>Brandon Mueller and Cheryl and Randy</u>	
5	<u>Mueller, his parents, and Mike Mullally and Vince</u>	
6	<u>Powers, Attorneys, 510 Seward St., P.O. Box 411,</u>	
7	Seward, NE 68434, out of the Roads Operations Cash	
8	Fund.	9,600.00
9	Tort Claim No. 04-078, against the Department of	
10	Roads, pay to <u>Cheryl Mueller and Mike Mullally and</u>	
11	<u>Vince Powers, Attorneys, 510 Seward St., P.O. Box</u>	
12	<u>411, Seward, NE 68434, out of the Roads Operations</u>	
13	Cash Fund.	2,800.00
14	Tort Claim No. 04-272, against the Department of	
15	Roads, pay to <u>Martin Telecky, individually and as</u>	
16	<u>parent of Jennifer Telecky, a minor, and on behalf</u>	
17	<u>of Denise Telecky, the minor's other parent, and</u>	
18	<u>Gary Nedved, Attorney, 530 S. 13th St. #100,</u>	
19	Lincoln, NE 68508-2795, out of the Roads Operations	
20	Cash Fund.	36,800.00

21 The claims included in this section shall be paid through
22 Program 591 in Agency 65.

23 For informational purposes only, the appropriations
24 contained in this section and fund source:

25	GENERAL FUND	112,764.39
26	CASH FUND	4,995,893.30
27	TOTAL	5,108,657.69

28 Sec. 3. The following sums of money, or so much thereof

LB 1241

LB 1241

1 as may be required, are hereby appropriated from the General Fund
 2 or from other funds as indicated in the state treasury, not
 3 otherwise appropriated, for the payment of indemnification claims
 4 which have been settled by the Attorney General in the district
 5 court or in which court judgments have been entered and which
 6 require the approval of the Legislature for payment.

7 DESCRIPTION	DOLLARS
8 Indemnification Claim No. 525(00), against the	
9 Department of Health and Human Services, pay to <u>Gary</u>	
10 <u>Richmond and Monte Neilan, Attorney</u> , P.O. Box 419,	
11 <u>Scottsbluff, NE 69361</u> , out of the General Fund.	51,210.92

12 The claim included in this section shall be paid through
 13 Program 592 in Agency 65.

14 For informational purposes only, the appropriation
 15 contained in this section and fund source:

16 GENERAL FUND	51,210.92
17 TOTAL	51,210.92

18 Sec. 4. The following sums of money, or so much thereof
 19 as may be required, are hereby appropriated from the General Fund
 20 or from other funds as indicated in the state treasury, not
 21 otherwise appropriated, for the payment of workers' compensation
 22 claims which have been settled by the Attorney General in the
 23 Nebraska Workers' Compensation Court or in which court judgments
 24 have been entered and which require the approval of the Legislature
 25 for payment.

26 DESCRIPTION	DOLLARS
27 Workers' compensation judgment, pay to <u>Ida Burdue</u>	
28 <u>and Gordon Peterson, Attorney</u> , 100 North 8th Street,	

LB 1241

LB 1241

1 agencies seeking permission to write off certain accounts. The

2 State Claims Board reviewed and approved the following requests:

3 DESCRIPTION	DOLLARS
4 Request No. 04-013, made by the Clerk	
5 of the Legislature	22.35
6 Request No. 04-221, made by the Nebraska	
7 Accountability and Disclosure Commission	3,410.00
8 Request No. 04-238, made by the Military Department	9,060.29
9 Request No. 04-252, made by the Supreme Court	223.50
10 Request No. 04-256, made by the Department of	
11 Health and Human Services	124,444.89
12 Request No. 04-257, made by the Western Nebraska	
13 Veterans' Home	479.34
14 Request No. 04-258, made by the Department of Health	
15 and Human Services Finance and Support	668.00
16 Request No. 04-277, made by the Grand Island	
17 Veterans' Home	10,272.60
18 Request No. 04-278, made by the Norfolk	
19 Veterans' Home	21,835.67
20 Request No. 04-286, made by the Department of	
21 Administrative Services, division of communications	180.00
22 Sec. 7. Since an emergency exists, this act takes effect	
23 when passed and approved according to law.	